

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:22-cv-00223-MR-WCM**

**BORGWARNER THERMAL SYSTEMS,)
LLC; and BORGWARNER TURBO)
SYSTEMS LLC,)**

Plaintiffs,)

v.)

**CENTURION CAPITAL)
INVESTMENTS, LLC,)**

Defendant.)

ORDER

This matter is before the Court on the filing by Plaintiff BorgWarner Turbo Systems LLC of a Disclosure by Party or Intervenor in a Diversity Case (the “Citizenship Disclosure Form,” Doc. 15).

That filing was made in response to the undersigned's Order of July 28, 2023, which directed the parties to file a disclosure statement in compliance with Federal Rule of Procedure 7.1(a)(2). Doc. 12. The Citizenship Disclosure Form, however, does not comply with the Rule (and therefore the Court’s Order).

The second page of the Citizenship Disclosure Form lists BorgWarner Turbo Systems LLC; BWA Turbo Systems Holding LLC; Kuhlman LLC; and BorgWarner Inc., but does not provide additional necessary information about

the relationships between and among these entities, including whether there are additional members of these LLCs and, if so, information about the citizenship of those members. Cent. W. Va. Energy Co., Inc. v. Mountain State Carbon, LLC, 636 F.3d 101, 103 (4th Cir. 2011) (“For purposes of diversity jurisdiction, the citizenship of a limited liability company . . . is determined by the citizenship of all of its members”); Jennings v. HCR ManorCare, Inc., 901 F.Supp.2d 649, 651 (D.S.C. 2012) (“an LLC’s members’ citizenship must be traced through however many layers of members there may be”).

Additionally, the Citizenship Disclosure Form appears to conflict with the Declaration of Brian Leising (which Plaintiffs have submitted in response to Defendant’s Motion to Dismiss) that states “BorgWarner Turbo Systems LLC is [sic] limited liability company, whose sole member is a Delaware corporation with its principal place of business in Michigan.” Doc. 10-1 at ¶ 4; see also Doc. 10 at 21 (Plaintiffs’ Memorandum of Law in Opposition to Defendant’s Motion to Dismiss First Amended Complaint at 21 (citing Leising Decl. and stating that “BorgWarner Turbo Systems LLC is a single-member limited liability company with its sole member, BorgWarner Inc., being a Delaware corporation with its principal place of business in Michigan.”)).

Accordingly, BorgWarner Turbo Systems LLC is **DIRECTED TO FILE**, **NO LATER THAN NOON** on **Monday, August 7, 2023**, an Amended Citizenship Disclosure that fully complies with Rule 7.1 of the Federal Rules of Civil Procedure.

It is so ordered.

Signed: August 3, 2023

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

